IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.33228 of 1998

Between:

T. Ashok Reddy S/o. T. Satyanarayana Reddy,
R/o Gajwel Pregnapur, Medak District.

..... PETITIONER

AND

1 A.P.State Road Transport Corporation,

rep. by its Managing Director,
Mushirabad, Hyderabad-20.
2 The Depot Manager, A.P.S.R.T.C.,
A.P. Road Transport Corporation.,

Gajwel Pregnapur,
Medak District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the Order passed by the 2nd respondent in Proceedings No.02/95(34)/98-GPP dated 30-7-1998, received by the petitioner on 24-10-1998 as illegal, unjust, contrary to law, contrary to Regulations, without jurisdiction, in violative of principles of natural justice and violative of Articles 14, 16 & 21 of the constitution of India; and grant all consequential benefits; and pass such other order or orders as deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner: Mr .A.K.JAYAPRAKASH RAO

Counsel for Respondents: Mr. V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Order of the 2nd respondent dated 30-7-1998 as arbitrary, illegal and contrary to the Regulations of the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation with effect from 20-1-1997. While so, he was issued with a charge sheet dated 20-3-1998 for certain cash and ticket irregularities alleged to have been committed by him while conducting the bus on 9-1-1998 on the route Gajwel to Cheriyal. He was issued with a charge sheet dated 20-3-1998 by the 2nd respondent for which he submitted an explanation on 5-5-1998. After perusal of the explanation submitted by him, the 2nd respondent imposed the punishment of postponement of regularization of his service for one year by the impugned order dated 30-7-1998 of the 2nd respondent. Hence, this Writ Petition.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner and asserting that the petitioner was only a casual employee; as such, there was no necessity of conducting a detailed enquiry into the matter and even otherwise, the punishment imposed for the said misconduct was reasonable and does not deserve any interference at the hands of this Court under Article 226 of the Constitution of India.

I have heard the learned counsel for the parties and perused the entire material placed on record.

Admittedly, the misconduct alleged against the petitioner is as to certain cash and

ticket irregularities while conducting the bus. Without conducting a detailed enquiry, though the management shown lenience and imposed very very trivial punishment of postponement of regularization for one year, it cannot be said that the punishment imposed is valid. The Regulations of the Corporation require that before imposing any punishment, a detailed enquiry should be conducted into the same and after giving opportunity to the workman, the disciplinary authority can take appropriate disciplinary proceedings. Admittedly, this is a case where no such course of action was adopted by the management. In view of the same, the impugned order does not stand the scrutiny of law and is liable to be set aside. Accordingly, the impugned order is set aside. However, the respondents are at liberty to conduct a detailed enquiry into the matter and pass appropriate orders as per law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

22-6-2005

prk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Wednesday, Twenty Second day of June Two thousand and Five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 A.P.State Road Transport Corporation,

rep. by its Managing Director,
Mushirabad, Hyderabad-20.

2 The Depot Manager, A.P.S.R.T.C.,
A.P. Road Transport Corporation.,

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